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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

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10 IN RE THE MATTER OF THE) CASE NO. MJ 08-92
11 EXTRADITION OF))
12 SETH NEIL BROWN,))
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_____)

13 Offense charged: Provisional warrant pursuant to extradition proceedings, pursuant to 18
14 U.S.C. § 3184

15 Date of Detention Hearing: March 31, 2008

16 The Government of Canada has applied to the United States for the provisional arrest of
17 Seth Neil Brown pending the submission of a formal request for extradition pursuant to the
18 Extradition Treaty entered into force between the United States and the Government of Canada.
19 Upon issuance of the provisional warrant, the Government of Canada has sixty days to provide
20 a formal request for extradition and supporting documents and evidence. According to the
21 Information provided by the requesting state, Mr. Brown is charged with five counts of Robbery,
22 in violation of section 344 of the Criminal Code of Canada, all committed within the jurisdiction

01 of Vancouver, British Columbia, Canada. The United States has moved to hold Mr. Brown
02 without bond pending extradition.

03 There is a strong presumption against bail in international extradition cases. *Wright v.*
04 *Henkel*, 190 U.S. 40, 62 (1903). Only “special circumstances” can overcome the presumption.
05 *Martin v. Warden, Atlanta Pen.*, 993 F.2d 824, 827 (11th Cir. 1993). Evidence that the fugitive
06 is not a risk of flight is not considered a special circumstance warranting bail. *United States v.*
07 *Salerno*, 878 F.2d 317, 318 (9th Cir. 1989).

08 Mr. Brown has not shown the existence of any special circumstances that would justify
09 release on bail. Therefore, the government’s motion to hold Mr. Brown without bond pending
10 extradition is GRANTED.

11 It is therefore ORDERED:

- 12 (1) Seth Neil Brown shall be detained pending extradition and committed to the
13 custody of the Attorney General for confinement in a correction facility separate,
14 to the extent practicable, from persons awaiting or serving sentences or being held
15 in custody pending appeal;
- 16 (2) Seth Neil Brown shall be afforded reasonable opportunity for private consultation
17 with counsel;
- 18 (3) On order of a court of the United States or on request of an attorney for the
19 Government, the person in charge of the corrections facility in which Seth Neil
20 Brown is confined shall deliver him to a United States Marshal for the purpose
21 of an appearance in connection with a court proceeding; and

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01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for Mr. Brown, and to the United States Marshal.

03 DATED this 31st day of March, 2008.

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06 Mary Alice Theiler
07 United States Magistrate Judge
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